

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  JORDAN DOLNEY,  Defendant.	5:22-CR-50019-JLV-02  ORDER OF DETENTION
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Defendant Jordan Dolney appeared before the court on Friday, October 7, 2022, for a change of plea hearing. After entering a plea of guilty to the Superseding Information, it was this court's recommendation that the defendant be adjudged guilty of Distribution of a Controlled Substance. The government moved for detention. Defendant did not oppose the government's motion for detention.

Pursuant to 18 U.S.C. § 3143(a)(2), a person who has been found guilty of an offense in a case described in 18 U.S.C. § 3142(f)(1)(A), (B), or (C) and is awaiting the imposition or execution of a sentence shall be detained unless:

- (A) (i) The judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or
- (ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and
- (B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

18 U.S.C. § 3143(a)(2).

Defendant has been found guilty of an offense described in 18 U.S.C. § 3142(f)(1)(C), that is, Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 2. Defendant did not proceed to trial, so 18 U.S.C. § 3143(a)(2)(A)(i) does not apply. The government has not recommended that no sentence of imprisonment be imposed, so 18 U.S.C. § 3143(a)(2)(A)(ii) does not apply. Even if the defendant can present evidence that he is not likely to flee or pose a danger to any other person or the community, he must still be detained pending sentencing, absent exceptional circumstances. See 18 U.S.C. §§ 3143(a)(2), 3145(c). No exceptional circumstances exist which would warrant release.

DATED this 7th day of October, 2022.

BY THE COURT:



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DANETA WOLLMANN  
United States Magistrate Judge